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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/941,174	09/30/1997	KEVIN J. BRUSKY	P1568	5699

24202            7590            07/31/2002

SHARP COMFORT & MERRETT, PC  
13355 NOEL ROAD  
SUITE 1340  
DALLAS, TX 75240

[REDACTED]  
EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>08/941,174</b>	Applicant(s) <b>Brusky, et al</b>
Examiner <b>Reuben Brown</b>	Art Unit <b>2611</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on May 17, 2002.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 5, 8-12, and 17-23 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 5, 8-12, and 17-23 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 23
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 8 & 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 & 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gateway 2000 (Press Release, 08/21/1996), in view of Yoshida, (U.S. Pat # 5,191,423).

Considering claim 8, the claimed PCTV computer system having a keyboard for providing alphanumeric characters to the PCTV computer and also a display monitor is met by the Gateway 2000 Press Release. The above cited Gateway 2000 Press Release discloses that the Destination Big Screen PCTV includes a keyboard and the TV display screen. The Gateway 2000 PCTV

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necessarily enables the user to place the system in one of a PC or TV mode. The claimed feature of storing predetermined Internet site names reads on the disclosure, which teaches that at least Windows 95 may be pre-installed on the PCTV. At the time the invention was made, it was known that Windows 95 included the Microsoft Internet Explorer, IE4 package. The Internet Explorer, IE4 comprises multiple pre-loaded URL's at least to the Microsoft web site.

The additionally claimed feature of storing a predetermined station name reads on at least temporarily storing an EPG at the PCTV, Official Notice is taken that at the time the invention was made, it was well known to store EPG within a TV-computing device. It would have been obvious for one ordinary skill in the art at the time the invention was made, to store EPG data the Gateway 2000 PCTV, at least for the desirable advantage of avoiding the necessity of constantly retrieving such data over a network.

Regarding the additional claimed feature of the alphanumeric keyboard containing a key with an associated channel macro for selecting a predetermined network or Internet site name, the Gateway 2000 Press Release does not explicitly disclose such a feature. Nevertheless, TV tuning systems were well known in the art at the time the invention was made which enabled a user to select a predetermined station by inputting its corresponding station name via alphanumeric keys on a user controlled station selection device.

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Yoshida provides such a user controlled station selection device 40, Fig. 2. In particular, Yoshida teaches that the user selects a station by pressing the corresponding alphanumeric keys on the channel selection device 40, (col. 1, lines 55-67). Yoshida furthermore provides that the user merely needs to input the first letter of the desired station name, and subsequently the list of all stations with the corresponding first letter is displayed on the TV screen for the user to select from, (col. 1, lines 60-67; col. 4, lines 10-22). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the Gateway 2000 Press Release with the known feature of a user inputting an alphanumeric representation of a station in order to select the instant station as shown by Yoshida, at least for the known desirable benefit of avoiding the user memorizing the entire name of a desired TV station, as taught by Yoshida.

Considering claim 5, the Gateway 2000 Press Release discloses a wireless keyboard.

Considering claim 9, page 3 of Gateway 2000 Press Release teaches downloading an EPG. The downloaded EPG necessarily matches station names with channels.

Regarding claims 10 & 12, highlighting and channel banners of a user selectable item were notoriously well known in the art of TV graphical user interface technology, at the time the invention was made.

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Regarding claim 11, Official Notice is taken that at the time the invention was made, it was known to place computer related content in an active computer window. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to place computer content in an active computer window at least for the desirable benefit of keeping the TV and computer content separated, which could be less confusing for the user.

Considering claims 17-18, the Gateway 2000 Press Release discloses a wireless remote control and an EZ-Pad pointing device, page 4.

4. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gateway 2000 Press Release and Yoshida, in view of Youman, (U.S. Pat # 6,629,733)..

Considering claim 20, the claimed features of a computer system emulating a TV system which corresponds with subject matter of claim 8, are likewise analyzed. In Yoshida, the system provides a list of stations based on the initial letter input by the user into the alphanumeric keyboard, (Abstract; col. 1, lines 55-8 thru col. 2, lines 1-5). However, Yoshida does not teach the amended claimed feature of, "depicting on the monitor, successive lists of network names, each list containing network names including an initial sequence of characters matching the sequence of characters as they are being entered by the user, until the user enters a select input to select a particular network". Nevertheless, Youman provides a teaching wherein a user may use

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an Up/Down arrow and the OK key in order to sequentially enter multiple letters of the Title of a desired program, (see Fig. 38D; col. 31, lines 51-67 thru col.. 32, lines 1-15). Thus in Youman, each successive entry of an alphabetic character further defines the lists of programs presented to the user, see Fig. 38E & Fig. 38F, and therefore in combination with Yoshida reads on applicants newly amended feature. It would have been desirable to give the user the option to enter a second or third alphabetic character in order to present the user with a more narrow choice of selections, which helps the user in the channel selection process.

Considering claims 21-22, the Gateway 2000 Press Release discloses a wireless remote control and an EZ-Pad pointing device, page 4.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gateway 2000 Press Release, in view of Yoshida & Youman, as applied to claim 20, and further in view of Sturgeon, (U.S. Pat # 6,202,212).

Considering claim 23, Sturgeon discloses an embodiment wherein when in TV mode the user receives a full TV screen, and has no PC functionality, (Fig. 11; col. 10, lines 8-15). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate the PCTV in a manner as disclosed in Fig. 11 of Sturgoen, at least for the desirable benefit of presenting the viewer with an unencumbered view of the TV program.

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***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) (Windows Web Disguise) Teach that the Internet Explorer was an integral part of Windows 95.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The  
examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703)  
872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Bhavesh Mehta  
Primary Examiner